

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY EKPE ETIM,

Defendant.

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CRIMINAL ACTION NO. H-06-00132

MEMORANDUM AND ORDER

Pending before the Court is the United States' Motion in Limine (Docket # 17). The motion seeks to preclude Defendant from making arguments, presenting evidence, or pursuing lines of questioning relating to three subject areas, without first approaching the bench, outside the presence of the jury.

First, the motion seeks to exclude any evidence, testimony, or reference at trial to any adverse impact this prosecution or potential conviction may have on Defendant or Defendant's family. Second, the motion seeks to exclude any evidence, testimony, or reference to accusations of selective prosecution of Defendant due to his religion, race, or ethnicity, including any suggestion by Defense counsel that the individual prosecutors are themselves racist or prejudiced toward any religion, race, or ethnicity. Third, the motion seeks to exclude any evidence, testimony, or reference to any witnesses who have made known their plans to assert their Fifth Amendment rights outside the presence of the jury.

As to each of these subject areas, the United States' Motion in Limine is **GRANTED**. Defendant, his counsel, and his witnesses are **ORDERED** to approach the bench, outside the presence of the jury, before making any mention of any of the matters covered by the motion in limine. Defendant and his counsel are further **ORDERED** to approach the bench, outside the

presence of the jury, before questioning any government witnesses regarding any of the matters covered by the motion in limine.

IT IS SO ORDERED.

SIGNED this 9th day of May, 2006.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL
FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY
EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT